

CITY COUNCIL AGENDA

OCTOBER 21, 2014

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
XAVIER E. CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON NGUYEN, VICE MAYOR
ROSE HERRERA
DONALD ROCHA
JOHNNY KHAMIS

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <http://www.sanjoseca.gov/index.aspx?NID=3549>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:30 a.m. - Closed Session, Call to Order in Council Chambers
 - Open Session, Labor Negotiations Update (See Item 3.2)
 - Adjourn to Closed Session in Council Chambers Conference Room, W133
 - See Separate Agenda
 - 1:30 p.m. - Regular Session, Council Chambers, City Hall
 - 7:00 p.m. - Public Hearings, Council Chambers, City Hall

- **Invocation (District 9)**

- **Pledge of Allegiance**

- **Orders of the Day**

ADJOURNMENT: This meeting will be adjourned in memory of Lillian Gong-Guy, who passed away on September 10, 2014. Gong-Guy founded the Chinese Historical and Cultural Project in 1987 to promote and preserve Chinese culture and history. Gong-Guy was a devoted wife, mother, volunteer, civic leader, and philanthropist. (Nguyen)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation to recognize the week of October 23, 2014 as National Save for Retirement Week. (Constant)
- 1.2 Presentation of a commendation to Nextdoor for its partnership with the City of San José and for its role in informing and empowering San José residents to help make their neighborhoods safer and happier places to live. (Herrera)
- 1.3 Presentation of a proclamation declaring October 8, 2014 as “International Walk to School Day” in the City of San José. (Herrera)
- 1.4 Presentation of a proclamation for “Hindu Awareness & Appreciation Month” in the City of San José. (Kalra)

TO BE HEARD IN THE EVENING

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29492 – Rezoning certain real property situated at the northeast corner of Park Avenue and Laurel Grove Lane from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

2.3 Approval of Council Committee Reports.

Recommendation: Approval of Council Committee Reports.

- (a) [Rules and Open Government Committee Report of September 24, 2014.](#) (Mayor)
- (b) [Public Safety, Finance, and Strategic Support Committee Report of September 25, 2014.](#) (Constant)
- (c) [Rules and Open Government Committee Report of October 1, 2014.](#) (Mayor)

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2. CONSENT CALENDAR

2.7 [Agreement with ReliaStar Life Insurance Company for Voluntary Personal Insurance Benefits Plans.](#)

Recommendation: Approve the [Agreement](#) with ReliaStar Life Insurance Company to provide voluntary insurance benefits including Accident Insurance and Critical Illness Insurance for the City's voluntary insurance benefits program for the period of January 1, 2015 to December 31, 2015, and to exercise up to three one-year options to renew the Agreement through December 31, 2018. CEQA: Not a Project, File No. PP10-068(e), Services that involve no physical changes to the environment. (Human Resources) (Deferred from 9/30/14 – Item 2.10)

2.8 [Legal Services Contract to Support the San José-Santa Clara Regional Wastewater Facility Capital Improvement Program.](#)

Recommendation: Adopt a resolution authorizing the City Attorney to do the following:

- (a) Negotiate and execute a legal services contract with Hawkins, Delafield & Wood LLP to support the San José-Santa Clara Regional Wastewater Facility capital improvement program for an initial one-year term with compensation not to exceed \$180,000; and
- (b) Exercise up to two one-year options extending the legal services contract with Hawkins, Delafield & Wood LLP with compensation for each option year not to exceed \$160,000 plus any funds remaining from the previous contract year, subject to appropriation of funds by the City Council.

CEQA: Not a Project; File No. PP10-066(e), Services that involve no physical change to the environment. (City Attorney)

2.9 [Consider Actions Regarding Arizona SB 1070 Relating to Immigration Enforcement.](#)

Recommendation: Adopt a [resolution](#) to repeal Resolution No. 75401 which directed City staff to take certain actions as a result of the enactment of Arizona SB 1070 relating to immigration enforcement. CEQA: Not a Project; File No. PP10-068(c), Policy that involves no changes in the physical environment. (City Attorney)

2. CONSENT CALENDAR

2.10 City Positions on the November 4, 2014 California General Election Ballot – Propositions 1, 2, 45 – 48.

Recommendation: As recommended by the Rules and Open Government Committee on October 1, 2014, approve the recommended City position for Propositions 1, 2, 45 – 48, on the November 4, 2014 California General Election ballot.

<u>Propositions</u>	<u>Recommended City Position</u>
Proposition 1 - Water Bond. Water Quality, Supply and Support Infrastructure Act of 2014 (AB 1471 Ch. 188).	Support
Proposition 2 - State Budget Stabilization Account. Legislative Constitutional Amendment.	Support
Proposition 45 - Healthcare Insurance. Rate Changes. Initiative Statute.	No Position
Proposition 46 - Drug and Alcohol Testing of Doctors, Medical Negligence Lawsuits. Initiative Statute.	Oppose
Proposition 47 - Criminal Sentences. Misdemeanor Penalties. Initiative Statute.	Oppose
Proposition 48 - Indian Gaming Compacts. Referendum.	No Position

(City Manager)
[Rules Committee referral 10/1/14 – Item G(8)]

2.11 Downtown High Rise Development Incentives.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, adopt a [resolution](#) modifying the 2,500 units limit of the 2007 Parks Specific High Rise Incentive Program to add 50 units to the maximum limit of units that are eligible to receive the incentive and sunset the program by June 30, 2016 even if the unit count is not reached. CEQA: Not a Project, File No. PP10-067 (Statutory Exemption, Sec. No. 15273), Rates, Tolls, Fares, and Charges. (City Manager/Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)
[Community and Economic Development Committee referral 9/22/14 – Items D(2)(a)(1)]

2. CONSENT CALENDAR

2.12 [Agreements for Special Inspection and Materials Testing Services for the San José - Santa Clara Regional Wastewater Facility Capital Improvement Program.](#)

Recommendation: Approve Master Agreements between the City of San José and the following firms for special inspection and materials testing services for various capital improvement projects at the San José-Santa Clara Regional Wastewater Facility for a 5-year term beginning upon execution of the agreements through December 31, 2019, subject to the appropriation of funds:

- (a) [Construction Testing Services, Inc.](#) in an amount not to exceed \$500,000; and
- (b) [Signet Testing Laboratories, Inc.](#) in an amount not to exceed \$500,000.

CEQA: Exempt, File No. PP10-066(d), Consultant Services. (Environmental Services)

2.13 [District 8's Public Safety Fair.](#)

Recommendation: As recommended by the Rules and Open Government Committee on October 8, 2014:

- (a) Approve the Public Safety Fair scheduled on October 20, 2014 as a City Council sponsored Special Event and approve the expenditure of funds; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Herrera)

[Rules Committee referral 10/8/14 – Item G(3)]

2.14 [Amendment to the Agreement for Enterprise Cashiering Software System with System Innovators.](#)

Recommendation: Adopt a resolution authorizing the City Manager to:

- (a) Execute the [First Amendment](#) to the Enterprise Cashiering Software System Agreement with System Innovators, a division of Harris Computer Systems, Inc. (Jacksonville, FL) to extend the term of the agreement for an additional five years, from April 24, 2014 to April 25, 2019, to enhance functionality, add additional interfaces, provide ongoing maintenance and support, and increase compensation by \$150,687 for revised maximum compensation of \$400,142.
- (b) Execute change orders not-to-exceed \$150,000 to cover any unanticipated changes or requirements related to the enhanced functionality, and additional interfaces, subject to the appropriation of funds.
- (c) Execute one-year options to extend the term of the Agreement commencing in 2019 to provide ongoing maintenance and support subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

2. CONSENT CALENDAR

2.15 [Recertification of the Revised Sewer System Management Plan as Required by the State Water Resources Control Board.](#)

Recommendation: Approve the recertification of the revised Sewer System Management Plan as required by the State Water Resources Control Board. CEQA: Exempt, Title 14, Sections 15301 and 15302. (Transportation/Public Works/Environmental Services)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Edward Shikada (Verbal Report).

3.2 Labor Negotiations Update.

Recommendation: Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99.](#)

Recommendation:

- (a) Adopt a [resolution](#) to approve the terms of agreements with the bargaining units listed below that would modify retiree healthcare funding effective December 21, 2014 by extending the phase-in of the retiree healthcare Annual Required Contribution through June 21, 2015 and authorize the City Manager to execute said agreements, pending ratification by their memberships:
 - (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI);
 - (2) Association of Engineers and Architects, IFPTE Local 21 (AEA Units 41/42 and 43);
 - (3) Association of Legal Professionals (ALP);
 - (4) Association of Maintenance Supervisory Personnel, IFPTE Local 21 (AMSP);
 - (5) City Association of Management Personnel, IFPTE Local 21 (CAMP);
 - (6) Confidential Employees' Organization, AFSCME Local 101 (CEO);
 - (7) International Brotherhood of Electrical Workers, Local No. 332 (IBEW);
 - (8) Municipal Employees' Federation, AFSCME Local 101 (MEF); and
 - (9) International Union of Operating Engineers, Local 3 (OE#3)
- (b) Adopt a [resolution](#) to approve modifications to the retiree healthcare funding phase-in for Executive Management and Professional Employees (Unit 99) effective December 21, 2014, to extend the phase-in of the retiree healthcare Annual Required Contribution through June 21, 2015.

(Item continued on the next page)

3. STRATEGIC SUPPORT SERVICES

3.3 Implementation of Changes to Retiree Healthcare Funding for the Bargaining Units Representing Employees in the Federated City Employees' Retirement System and Modifications for Employees in Unit 99. (Cont'd.)

Recommendation:

- (c) Direct the Administration to bring forward a recommendation to place the savings from the phase-in extension into the Retiree Healthcare Solutions Reserve in the applicable City funds as part of the 2014-2015 Annual Report for the one-time savings generated from the recommendations related to the changes to the retiree healthcare funding provisions for employees in the Federated City Employees' Retirement System for 2014-2015.

CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager)

(Deferred from 10/7/14 – Item 3.4)

3.4 [Actions Related to the Request for Proposal for the Purchase of Business Tax Billing System.](#)

Recommendation:

- (a) Accept the report on the Request for Proposal for the purchase of a Business Tax Billing System and adopt a resolution authorizing the City Manager to:
 - (1) Negotiate and execute an Agreement with CSDC Systems Inc. (Fort Worth, TX) for the purchase of a Business Tax Billing System to include software, installation, implementation, data migration, training and related professional services, taxes, maintenance and support, for an initial five-year term ending June 2019, with a maximum compensation not-to-exceed \$1,488,536, subject to the appropriation of funds;
 - (2) Execute change orders to cover any unanticipated changes or requirements in the system design and implementation not to exceed \$200,205 (15% of first year amount) as may be required, subject to the appropriation of funds; and
 - (3) Execute one-year options to extend the term of the Agreement to provide ongoing maintenance and technical support services after the initial five-year term at an estimated initial annual cost of \$40,181 to be adjusted each year up to 3%, subject to the annual appropriation of funds.
- (b) Adopt the following 2014-2015 Appropriation Ordinance amendments in the General Fund:
 - (1) Increase the Business Tax System Replacement appropriation to the Finance Department in the amount of \$2,290,000; and
 - (2) Decrease the Business Tax System Replacement Reserve by \$2,290,000.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance/City Manager)

(Deferred from 10/7/14 – Item 3.6)

3. STRATEGIC SUPPORT SERVICES

3.5 Report on Request for Proposal for Airport Baggage Handling Conveyor System Services.

Recommendation: Accept the report on the Request for Proposal for Airport Baggage Handling Conveyor System Services and adopt a resolution authorizing the City Manager to:

- (a) Execute an Agreement with Vanderlande Industries Inc. (Wilmington, DE) for the operation, maintenance and repair of the Airport Baggage Handling Conveyor System in Terminals A and B, including all spare and replacement parts, for an initial five-year term ending October 31, 2019, with a maximum compensation not-to-exceed \$2,054,955 for the initial twelve months of the Agreement, and an estimated \$10,158,827 for the five year term, subject to the annual appropriation of funds;
- (b) Adjust the maximum compensation annually, not to exceed 3% annually or the percentage adjustment to the City's Living Wage/Prevailing Wage whichever is greater, subject to the appropriation of funds;
- (c) Execute change orders to cover any unanticipated and non-routine repairs during the initial five year term of the Agreement as may be required, not to exceed \$500,000, subject to the appropriation of funds; and
- (d) Execute five one-year options to extend the term of the Agreement after the initial five year term subject to the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

3.6 Audit of City Procurement Cards.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on September 25, 2014, accept the Audit of City Procurement Card: Better Oversight and Streamlined Processes Would Improve Protection of Public Resources. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 9/25/14 – Item D(6)]

3.7 Audit of Development Services.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on September 25, 2014, accept the Audit of Development Services: Improving the Experience for Homeowners. (City Auditor)

[Public Safety, Finance, and Strategic Support Committee referral 9/25/14 – Item D(7)]

3.8 Follow-Up Report on PRNS' Response to the Audit of Senior Membership Fee Revenue.

Recommendation: As recommended by the Public Safety, Finance, and Strategic Support Committee on September 25, 2014, accept the Audit of Senior Membership Fee Revenue, and the Follow-up Report on PRNS' Response to the Audit of Senior Membership Fee Revenue. CEQA: Not a Project, File No. PP10-069(a), Staff Report. (City Auditor/Parks, Recreation and Neighborhood Services)

[Public Safety, Finance, and Strategic Support Committee referral 9/25/14 – Item D(8)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Downtown High Rise Development Incentives.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, direct the City Attorney to draft an ordinance amending Chapter 4.46 of Title of the San José Municipal Code and Chapter 4.47 of Title 4 of the San José Municipal Code to add sections to suspend the collection of the building and structure constructions tax for a single commercial high rise development project within two years. CEQA: Not a Project, File No. PP10-067 (Statutory Exemption, Sec. No. 15273), Rates, Tolls, Fares, and Charges. (City Manager/Planning, Building and Code Enforcement/Parks, Recreation and Neighborhood Services)
[Community and Economic Development Committee referral 9/22/14 – D(2)(a)(3)]
DEFERRED TO 11/18/14 PER ADMINISTRATION

4.2 Extension of North San José Development Incentive.

Recommendation: As recommended by the Community and Economic Development Committee on September 22, 2014, adopt a resolution amending the North San José Area Development Policy to:

- (a) Extend the North San José Traffic Impact Fee Incentive deadline for Tier 2 projects (build to suit projects of over one million square feet) to obtain building permits for one year to December 31, 2017; and to receive a certificate of occupancy for one year to December 31, 2017;
- (b) Limit the amount of development capacity in the incentive to a total of four million square feet across both Tiers; and
- (c) Designate the point at which the allocation of the incentive occurs is at the time of payment of the Traffic Impact Fee, or upon execution of an Industrial Project Completion Agreement upon approval of a valid development permit.

CEQA: North San José Environmental Impact Report, Resolution No. 72768 and Addenda thereto. (City Manager/Planning, Building and Code Enforcement/Transportation)

[Community and Economic Development Committee referral 9/22/14 – Items D(2)(b)]

DEFERRED TO 11/4/14 PER RULES AND OPEN GOVERNMENT COMMITTEE

4.3 [Nomination of the San José Central Fire Station \(201 N. Market Street\) for Listing on the National Register of Historic Places.](#)

Recommendation:

- (a) Discuss the proposed nomination of the San José Central Fire Station (201 N. Market Street) for listing on the National Register of Historic Places; and
- (b) Provide direction to staff on recommendations and comments to be submitted to the State of California regarding the proposed nomination.

CEQA: Not a Project, File No. PP10-069. Council District 3. (Planning, Building and Code Enforcement)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 [Award of Contract for the San Carlos Street Multimodal Streetscape Improvement Project - Phase II.](#)

Recommendation: Report on bids and award of the contract for the 6597 – San Carlos Street Multimodal Streetscape Improvement Project – Phase II (between Market Street and South Second Street), Federal Project No. STPL-5005(104) to the low bidder Redgwick Construction Company, in an amount of \$1,540,100, and approval of a ten percent contingency in the amount of \$154,000. CEQA: Exempt, File No. PP03-08-254, Re-use of the Downtown Strategy SEIR, Resolution No. 68839. Council District 3. (Public Works/Transportation)

5. NEIGHBORHOOD SERVICES

6. TRANSPORTATION & AVIATION SERVICES

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

9. REDEVELOPMENT – SUCCESSOR AGENCY

- **Open Forum**
Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) [Prezoning the Real Property Located Southerly of the Terminus of Pullman Way.](#)

Recommendation: Consideration of an [ordinance](#) prezoning the real property located southerly of the terminus of Pullman Way from unincorporated County to PQP Public/Quasi-Public Zoning District and IP Industrial Park Zoning District on an approximately 9.6 gross acre site encompassing a portion of existing railroad right of way (Raisch Investment Group Ltd, Union Pacific Railroad, Owners). CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. (Planning, Building and Code Enforcement)

C14-046 – District 7

[Deferred from 9/30/14 – Item 11.1(a)]

- (b) [Prezoning the Real Property Located East of Canoas Garden Avenue, North and South of Millpond Drive.](#)

Recommendation: Consideration of an [ordinance](#) prezoning the real property located east of Canoas Garden Avenue, north and south of Millpond Drive (County of Santa Clara, California Department of Public Transportation, Brandenburg Staedler & Moore- Mill Pond, Owners) from unincorporated County to PQP Public/Quasi-Public Zoning District and OS Open Space Zoning District on an approximately 12.4 gross acre site. CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. (Planning, Building and Code Enforcement)

C14-047 – District 7

[Deferred from 9/30/14 – Item 11.1(b)]

11. PUBLIC HEARINGS

11.1 Public Hearings on Consent Calendar. (Cont'd.)

Recommendation:

- (c) [Prezoning the Real Property Located Northeast of Saint Florian Way and Adeline Avenue.](#)

Recommendation: Consideration of an [ordinance](#) prezoning the real property located northeast of Saint Florian Way and Adeline Avenue (APN: 455-09-040) from unincorporated County to PQP Public/Quasi-Public Zoning District on a 2.0 gross acre site (Joaquin Bear LLC, Owner). CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. (Planning, Building and Code Enforcement)
[C14-048](#) – District 7
[Deferred from 9/30/14 – 11.1 (c)]

- (d) [Prezoning the Real Property Located South of Batista Drive at the County Communications Facility at the Terminus of Carol Drive.](#)

Recommendation: Consideration of an [ordinance](#) prezoning the real property located south of Batista Drive at the County Communications Facility at the terminus of Carol Drive (County of Santa Clara, Owner). CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. (Planning, Building and Code Enforcement)
[C14-049](#) – District 7
[Deferred from 9/30/14 – 11.1(d)]

END OF THE PUBLIC HEARINGS ON CONSENT CALENDAR

11.2 [Rezoning and Prezoning the Real Property Located on the South Side of Union Pacific Railroad Tracks, West of Hillsdale Avenue, Northerly of Adeline Avenue and Altino Boulevard, and Easterly of Highway 87 at the Terminus of Carol Drive.](#)

Recommendation: Consideration of an [ordinance](#) rezoning and prezoning the real property located on the south side of the Union Pacific Railroad tracks, west of Hillsdale Avenue, northerly of Adeline Avenue and Altino Boulevard, and easterly of Highway 87 at the terminus of Carol Drive (Mta Properties LP Robert Bettencourt, Owner; KB Home South Bay, Inc., Peter Lezak, Developer) from A(PD) Planned Development, A Agriculture and Prezoning from unincorporated County to A(PD) Planned Development Zoning District for the proposed development of up to 2,200 residential units including single family attached and detached and multi-family units; up to 67,500 square feet of retail/commercial space; up to 1.44 million square feet of industrial park uses; parks, trails, a school site and related off-site public infrastructure of an approximately 331.6-acre site. CEQA: Communications Hill 2 Project Subsequent Environmental Impact Report Resolution No. 77172. (Planning, Building and Code Enforcement)
[PDC13-009](#) – District 7
(Deferred from 9/30/14 – Item 11.3)

11. PUBLIC HEARINGS

11.3 [Rezoning the Real Property Located on the Southwest Side of Dove Hill Road, Approximately 1370 Feet Southerly of Yerba Buena Avenue.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the southwest side of Dove Hill Road, approximately 1370 feet southerly of Yerba Buena Avenue (0 Dove Hill Road) from A Agricultural to R-1-2 Zoning on an approximately 0.87 gross acre site. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA. (Planning, Building and Code Enforcement)
C14-031 – District 8

11.4 [Rezoning the Real Property Located on the West Side of San Felipe Road, Approximately 90 Feet North of Fowler Road.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the west side of San Felipe Road, approximately 90 feet north of Fowler Road from the A Agriculture Zoning District to the R-1-5 Single-Family Residence Zoning District of an approximately 0.24 gross acre property (APN 676-33-013) and the northern portion of a contiguous property to the east (APN 676-33-014) of approximately 0.17 acres. CEQA: Re-Use of Envision San José 2040 General Plan FEIR (Reso. No. 76041). (Planning, Building and Code Enforcement)
C14-034- District 8

11.5 [Rezoning the Real Property Located on the East Side of the Stone Avenue Approximately 650 Feet Northerly of Cimino Street.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located on the east side of the Stone Avenue approximately 650 feet northerly of Cimino Street (1850 Stone Avenue) from the IP-Industrial Park to the HI-Heavy Industrial Zoning District on a 4.64 gross acre site (KT 2 Stone LLC, Owners). CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purpose of CEQA. (Planning, Building and Code Enforcement)
C14-037 – District 7

11. PUBLIC HEARINGS

11.6 [Rezoning the Real Property Located at the Southeast Corner of South Winchester Boulevard and Williams Road.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located at the southeast corner of South Winchester Boulevard and Williams Road (1000 South Winchester Boulevard) from the Commercial Office Zoning District to the Commercial Pedestrian Zoning District on an approximately 0.20 gross acre site (Sakai Eugene Et Al, Owner). CEQA: Exempt. (Planning, Building and Code Enforcement)
[C14-043](#) – District 1

11.7 **Amendment to a Development Agreement in the North San José Area Development Policy Area.**

Recommendation: Consideration of an ordinance to amend a Development Agreement with Barry Swenson Builder to develop up to 378 multi-family attached residential units and approximately 5,115 square feet of ground floor commercial space consistent with a previously approved Planned Development Rezoning (File No. PDC13-055), which allows up to 460 residential units and up to 20,000 square feet of ground floor commercial space on a 2.4 gross acre site located at the southwest corner of North First Street and Century Center Court (1729 N. First Street) in the North San José Area Development Policy area, subject to performance by Barry Swenson Builder for payment of contributions, commencement of construction and subsequent occupancy per deadlines of performance included in the previously approved Development Agreement (File No. DA13-001). The purpose of this Development Agreement amendment is to modify the findings to recognize that the extraordinary benefit to be provided by the project includes a contribution of \$2,600,000 to be used either for affordable housing or transportation infrastructure improvements (James F. Schmidt, owner). CEQA: North San José Area Development Policies Update Environmental Impact Report, Resolution No. 72768. (Planning, Building and Code Enforcement)
[DA14-001](#) – District 3

DEFERRED TO 12/9/14 PER ADMINISTRATION

11.8 [Rezoning the Real Property Located at the Southeast Corner of West San Carlos Street and Sunol Street.](#)

Recommendation: Consideration of an [ordinance](#) rezoning the real property located at the southeast corner of West San Carlos Street and Sunol Street (800 West San Carlos Street) from HI Heavy Industrial to A(PD) Planned Development Zoning District to allow up to 315-residential units and approximately 20,500 square feet of commercial uses; and a Planned Development Permit, File No. PD14-012, to allow the construction of up to 315-residential units and approximately 20,500 square feet of commercial uses; for an approximately 4.73 gross acre site (Cheim, Barbara J Jr Trustee & Et Al, Owner). CEQA: Addendum to the Diridon Station Area Plan EIR. (Planning, Building and Code Enforcement) [Resolution](#)
[PDC14-007/PD14-012](#) – District 6

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

This meeting will be adjourned in memory of Lillian Gong-Guy, who passed away on September 10, 2014. Gong-Guy founded the Chinese Historical and Cultural Project in 1987 to promote and preserve Chinese culture and history. Gong-Guy was a devoted wife, mother, volunteer, civic leader, and philanthropist. (Nguyen)

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.